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0483-rn
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February 3, 1987

RECEIVED

FEB 6 1987

Assistant Attorney General
Civil Division

Robin Henderson, Esq.
Office of General Counsel
GC - 23
U.S. Department of Energy
Room 6H087
1000 Independence Avenue
Washington, D.C. 20585

Re: Molter v. Brush Wellman Inc.

Dear Robin:

Pursuant to the government's request, we have obtained from plaintiffs' attorney a time extension of 30 days in which to respond to the complaint. The answer or other responsive pleading is now due March 6, 1987. A copy of the stipulation is enclosed for your file.

As we discussed in our telephone conversation, plaintiffs have filed their action in the wrong court. We, therefore, drafted a Motion to Dismiss, or in the alternative for Summary Judgment, a draft copy of which I am sending with this letter. We planned to file an answer simultaneously with the motion so that we would not waive any of our other affirmative defenses.

In my correspondence to Messrs. McLaughlin, Willard and Farrell, I set out what Brush's initial investigation showed with respect to Mr. Molter's employment history at the Luckey facility.

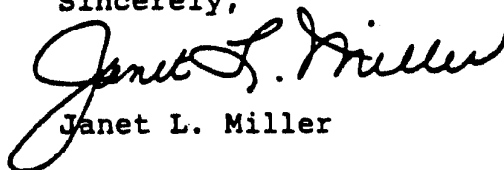
Robin Henderson, Esq.
February 3, 1987
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JONES, DAY, REAVIS & POGUE

In the interim, we have used the October 5, 1985 date to which plaintiff refers in his complaint, for purposes of the motion to dismiss. Plaintiffs have been using October 5, 1985 as the date a definite diagnosis of his berylliosis was made.

For your own information, Mr. Molter is a confirmed case of berylliosis; Brush did not oppose his workers compensation claim.

Sincerely,

A handwritten signature in cursive script, reading "Janet L. Miller".

Janet L. Miller

Enclosure

cc: J. Michael Farrell, Esq.
Patrick M. McLaughlin, Esq.
Richard K. Willard, Esq.

THE STATE OF OHIO } ss.
Cuyahoga County
Lucas

IN THE COURT OF COMMON PLEAS

NO. CI86-4075 #8

Leo E. Molter, et. al.

Plaintiff

-vs-

Brush Wellman Inc.

Defendant

STIPULATION FOR LEAVE TO PLEAD

AND JOURNAL ENTRY

We, the attorneys for the respective parties, do hereby stipulate
the defendant in the above-captioned matter shall have until
March 6, 1987 (an extension of 30 days) in which to move, plead or
otherwise respond to the Complaint.
and that the court may enter an order accordingly, notice by the Clerk being hereby waived.

(Plaintiff)
The (Defendant) has previously been granted -0- leaves to plead for a total
of -0- days.

Per telephone consent
by Joseph Albrechta

February 3, 1987

IT IS SO ORDERED

Attorney for Plaintiff



Attorney for Defendant

John M. Newman, Jr.
Janet L. Miller

Judge

NOTE The Court may terminate or shorten any leave to plead when in its discretion, excessive time
or effort has been requested.

Jones, Day, Reavis & Pogue
1700 Huntington Building
Cleveland, Ohio 44115

Draft of February 2, 1987

IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

LEO E. MOLTER et al.,	)	Case No. 86-4075
)	
Plaintiffs,	)	Judge Abood
)	
v.)	
)	
BRUSH WELLMAN INC.,	)	BRUSH WELLMAN INC.'S
	)	MOTION TO DISMISS OR,
	)	IN THE ALTERNATIVE,
Defendant.	)	FOR SUMMARY JUDGMENT
	)	AND MEMORANDUM IN
	)	<u>SUPPORT</u>

Respectfully submitted,

John M. Newman, Jr.
Janet L. Miller
1700 Huntington Building
Cleveland, Ohio 44115
(216) 348-3939

Attorneys for Defendant
Brush Wellman, Inc.

Of Counsel:

Jones, Day, Reavis & Pogue

Draft of February 2, 1987

IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

LEO E. MOLTER et al.,)	
)	
Plaintiffs,	)	Case No. CI86-4075 #8
)	
v.	)	Judge Abood
)	
BRUSH WELLMAN INC.,)	
	)	ANSWER OF DEFENDANT
Defendant.	)	<u>BRUSH WELLMAN INC.</u>

Respectfully submitted,

John M. Newman, Jr.
Janet L. Miller
1700 Huntington Building
Cleveland, Ohio 44115
(216) 348-3939

Attorneys for Defendant
Brush Wellman Inc.

Of Counsel:

Jones, Day, Reavis & Pogue